

## Message Text

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21

ACTION DLOS-04

INFO OCT-01 ISO-00 IO-13 AF-08 ARA-10 EA-09 EUR-12 NEA-10

FEA-01 ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-02 COME-00 DODE-00 DOTE-00 EB-07 EPA-04

ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-02 OES-06 OMB-01 PA-02 PM-04

PRS-01 SP-02 SS-15 USIA-15 SAL-01 /188 W

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R 262220Z APR 76

FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC 1404

INFO USMISSION USUN NY

AMEMBASSY MEXICO

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

AMEMBASSJ MANAGUA

AMEMBASSY SAN JOSE

AMCONSUL BELIZE BY POUCH

UNCLAS GUATEMALA 3200

E.O. 11652: N/A

TAGS: PLOS, GT

SUBJ: GUATEMALAN LEGISLATION EXTENDING MARITIME

JURISDICTION TO 200 MILES

USUN FOR LOS DEL

REF: 75 GUATEMALA 4941

1. FOREIGN RELATIONS COMMITTEE GUATEMALAN CONGRESS  
REPORTED OUT FAVORABLY APRIL 21 A BILL EXTENDING  
GUATEMALAN MARITIME JURISDICTION FOR CERTAIN PURPOSES  
OUT TO 200 MILES. BILL WAS INTRODUCED BY CONGRESS  
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PRESIDENT DONALDO ALVAREZ, BUT FONOFF SECRETARY GENERAL

LUIS AYCINENA, MEMBER GUATEMALAN DEL TO LOS CONGERENCE, TOLD REPORTERS APRIL 19 THAT FOREIGN MINISTRY HAD DRAFTED THE BILL. BILL COULD REMAIN PENDING INDEFINITELY, SHOULD GOG WISH TI WITHHOLD FINAL ACTION UNTIL AFTER LOS CONFERENCES, BUT SWIFT APPROVAL BY FOREIGN RELATIONS COMMITTEE MAKES IT MORE LIKELY THAT BILL BE PASSED SHORTLY. EVEN AS LAW, BILL WILL REMAIN INOPERATIVE FOR PRACTICAL PURPOSES UNTIL EXECUTIVE ISSUES IMPLEMENTING REGULA-TIONS, AND THESE PROBABLY WILL BE SOME TIME IN COMING.

2. COPY OF BILL BEING SUBMITTED BY AIRGRAM. FOLLOW-ING ARE PRINCIPAL PROVISIONS. ARTICLE 1 "REITERATES" GUATEMALAN SOVEREIGNTY OVER TERRITORIAL SEA OF 12 MILES "MEASURED FROM THE RESPECTIVE BASE LINES." NO ATTEMPT MADE TO DEFINE OR LOCATE BASE LINES. ARTICLE 2 CONFIRMS RIGHTS OF INNOCENT PASSAGE OF FOREIGN SHIPS (NO MENTION OF AIRCRAFT) THROUGH TERRITORIAL SEA "IN CONFORMITY WITH INTERNATIONAL LAW."

3. ARTICLE 3 ASSERTS JURISDICTION OVER "AN EXCLUSIVE ECONOMIC ZONE (EEZ) THAT WILL EXTEND OUT TO 200 NAUTI-CAL MILES MEASURED FROM THE BASE LINE" USED AS BASIS FOR TERRITORIAL SEA. JURISDICTION INCLUDES (A) "RIGHTS OF SOVEREIGNTY FOR THE PURPOSES OF EXPLORATION, EXPOLITATION, CONVSEVATION, AND ADMINISTRATION OF RENEWABLE AND NON-RENEWABLE RESOURCES;" (B) "EXCLUSIVE RIGHTS AND JURISDICTION WITH RESPECT TO THE ESTABLISH-MENT AND UTILIZATION OF ARTIFICIAL ISLANDS AND ANALOGOUS INSTALLATIONS AND STRUCTURES"; (C) "EXCLUSIVE JURISDICTION WITH RESPECT TO OTHER ACTIVITIES AIMED AT EXPLORATION AND ECONOMIC EXPOLIATION OF THE ZONE, SUCH AS PRODUCTION OF ENERGY DERIVED FROM THE WATER, THE CURRENTS AND THE WINDS, AND WITH RESPECTTO SCIENTIFIC RESEARCH"; (D) ENVIRONMENTAL JURISIDCITION, "INCLUDING CONTROL AND ELIMINATION OF POLLUTION"; AND (E) "OTHER RIGHTS AND OBLIGATIONS THAT MAY BE DERIVED FROM JURISDICTION OVER THE ZONE."

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4. ARTICLE 4 RECOGNIZES WITHIN EEZ RIGHT OF ALL OTHER STATES TO "FREE NAVIGATION AND OVERLFIGHT, PLACEMENT OF CABLES AND PIPELINES, AND PROVIDED ALWAYS THAT A REPRESENTATIVE OF THE GOVERNMENT PARTICIPATES - OTHER INTERNATIONALLY RECOGNIZED USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATIONS." GOVERNMENT REFERRED TO IS PRESUMABLY GOG.

5. ARTICLE 5 AUTHORIZED APPROPRIATE GOG AGENCIES TO ISSUE "REGULATIONS REGARDING FISHING, CONSERVATION OF THE SPECIES, POLLUTION OF THE SEA, AND OTHER PERTINENT ACTIVITIES, IN THE TERRITORIAL SEA, THE EEZ, THE CONTINENTAL SHELF (SEABED AND UNDERGROUND), AND IN THE DEEP SEA (FONDOS MARINOS)." UNTIL REGULATIONS ARE ISSUED WITH REGARD TO EEZ, LAWS AND REGULATIONS NOW IN EFFECT FOR TERRITORIAL SEA WILL BE APPLICABLE TO EEZ IN SO FAR AS POSSIBLE. EXECUTIVE WILL NEGOTIATE PERTINENT AGREEMENTS WITH NEIGHBORING STATES AND WILL ISSUE PERMITS FOR FISHING "OR FOR ANY OTHER ACTIVITY OF EXPLORATION OR EXPLOIATION OF THE TERRITORIAL SEA OR EEZ." IN PARTICULAR, UNDER ARTICLE 7, EXECUTIVE "SHOULD SEEK ARRANGEMENTS WITH THE OTHER CENTRAL AMERICAN COUNTRIES FOR THE COMMON EXERCISE OF THE RIGHT TO FISH WITHIN THE 200-MILE ZONE, WITHOUT PREJUDICE TO THE NATIONAL RESERVES OF EACH OF THE STATES; ESTABLISHING THE PROHIBITED ZONES AND SEASONS, THE NUMBER OF SHIPS THAT MAY BE DEDICATED TO SUCH ACTIVITY, THE CONTROLS AIMED AT AVOIDING THE EXTINCT- TION OF MARINE SPECIES, AND ANY OTHER LIMITATION THAT MAY BE CONVENIENT TO THE INTERESTS OF CENTRAL AMERICA." ARTICLE 8 CHARGES THE GUATEMALAN ARMED FORCES WITH ENSURING RESPECT FOR "THE RIGHT OF THE REPUBLIC OVER ITS TERRITORIAL SEA AND ITS EEZ."

6. NEITHER THE BILL, NOR ITS WHEREAS SECTION, NOR THE COMMITTEE'S REPORT REFER SPECIFICALLY TO CURRENT OR FUTURE LOS CONFERENCES. COMMITTEE REPORT OBSERVES IN PASSING THAT IT WOULD BE TIRESOME TO "ENUMERATE THE SERIES OF SPECIALIZED CONFERENCES ON THE SUBJECT AND IT IS SUFFICIENT TO INDICATE THAT THERE IS A CONSENSUS AMONG THE MAJORITY OF COUNTRIES AS TO THE NECESSITY UNCLASSIFIED

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THAT THE COASTAL STATES EXTEND THEIR SOVEREIGNTY BEYOND THE TERRITORIAL SEA CLASSICALLY ESTABLISHED." SIMILAR STATEMENT CONTAINED IN THIRD WHEREAS CLAUSE. COMMITTEE REPORT SPECIFICALLY REJECTS CHILE-PERU-ECUADOR THESIS OF 200-MILE TERRITORIAL SEA, "AS IT WOULD BE UN- REALISTIC AND PRACTICALLY IMPOSSIBLE TO EXERCISE FULL SOVEREIGN RIGHTS IN SO EXTENSIVE AN AREA."

7. GREAT EMPHASIS IS PLACED BY COMMITTEE REPORT ON RICH FISHING RESERVES WITHIN 200 MILES FROM WHICH GUATEMALA RECEIVES NO BENEFIT AND WHICH ARE "EXPLOITED BY COUNTRIES SUCH AS JAPAN, US, CANADA, SOVIET UNION, ETC." SHRIMP AND TUNA ARE MENTIONED, CREATING LEGIS- LATIVE HISTORY THAT NEW LAW (UNLIKE NEW US LAW) MAY BE APPLIED TO HIGHLY MIGRATORY SPECIES.

8. COPY SECRETARY KISSINGER'S APRIL 8 SPEECH IN  
ENGLISH AND SPANISH GIVEN FOREIGN MINISTER APRIL 12  
AND PRESIDENT OF CONGRESS APRIL 13. FONOFF ALSO GIVEN  
SUMMARY OF NEW US LEGISLATION. NO SIGNIFICANT REACTION  
OR COMMENT SO FAR FROM EITHER GOG OR PRESS.  
ANDREWS

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## Message Attributes

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**TAGS:** PLOS, GT  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006